

## **Comments on the Council draft assessment for refusal (ref. Officer Report Final October 8<sup>th</sup>, 2023) and reference to the non-determination statement of case (June 22<sup>nd</sup>, 2023)**

At the very beginning of the assessment, we note the Hampstead Conservation Area Advisory Committee (HCAAC) were consulted on the proposals and this body did not provide any objections. We assume the HCAAC found the proposal acceptable.

Regarding the Council's draft assessment, two Key consideration factors were provided. **The Impact on neighboring amenity section** seemed to contain no obvious objections. However, **The Design and Heritage section** contains the recommendations for refusal based on reciting the codes and policies for a conservation area. Our comments are as follows and we have had to reference the statement of case but no new information is added per instructions of the Inspectorate.

**Impact on neighboring amenity** (see 5.0 of draft assessment for refusal). No objections in this main area for consideration. No comments.

**Design and Heritage** (see 4.0 of assessment for draft refusal and references to the Hampstead Neighbourhood forum as the underlying body influencing refusal).

**Overall Comment.** The major comment here is that the total lack of visibility of the glass cover and use of appropriate tasteful materials were not addressed and the Council still remains mute on the many details supporting this proposal. Instead, the Council simply recites building codes and policies which in our application were addressed in a highly rationale and logical manner. As clearly stated in the applicant's statement of case, the clear glass cover is simply not visible and, therefore, it physically could not harm the visual impact to the host property, the character of the unaltered front garden and has zero visual impact on the terrace. As stated, the sky light cover has zero visual impact on the corner and neighborhood because it sits below a 6ft tall corner wall at one end and is below grade at the other end (see images 1, 2 and 3 below as provided in the planning statement 2022/4887/P)). The original (renovated) rails and thick hedge row in the unaltered flower bed obscure views at the front elevation. The overwhelming photographic evidence (images 4-17) provided in application 2022/4887/P confirms that our proposed glass cover would not be incongruous in nature from the many other "highly visible" glass front-covers in this immediate area. **In summary, our comment is that the proposed glass cover simply cannot be contrary to the policies D1 and D2 and policies DH1 and DH2 of the Hampstead Neighbourhood Forum. To support DH1 compliance we have renovated front railings and footings, windows, repointed walls, installed thick hedges in the original flower bed. To support DH2 we have restored original architectural features including boundary walls, windows and doors to original specifications. A clear glass cover does not block visualization of these enhanced features but architecturally this proposal integrates the glass features front and rear using the exact same materials and design.**

**Comments per line item from the draft assessment for refusal. Specific Reasons for recommending refusal.**

**4.1. Addressing Preservation and enhancement of building character.** Comment: The use of clear glass on a fine powder coated black frame are accepted and compliment the brickwork without interfering with the architecture of historic host buildings. Such tasteful materials are already incorporated in 42

Willow Road and photo was provided for confirming tasteful appearance. Clear see through glass does not impede visual appearance of sky-well with untouched boundary walls, existing exterior door and existing light. Just a clear glass cover. **The same materials and design to be used were approved in a previous application 2022/3729/P and in this case codes D1 and DH1 for design and heritage were satisfied.**

**4.2. Addressing changing character of front garden.** Comment: No alteration whatsoever to the front garden as explained.

**4.3 Addressing run off and Drainage.** Comment. No obvious objection here, but we have greatly improved drainage and run off, crumbling base walls were rebuilt and pointed to match exactly neighboring front gardens in the terrace.

**4.4 Addressing altering appearance of host building and character of terrace.** Comment. Neighboring terraces have totally different configuration with large staircase entrances. They are not light-wells per Council description. In contrast, the opening at 42 Willow is a narrow and inconspicuous light- well with no staircase. Architecture is absolutely distinct as well as being hidden and below grade.

**4.5 Addressing corner appearance and harm to the character of the wider conservation area.** Comment. Corner appearance remains totally unaltered unless one can see through a tall solid brick wall. Please refer to images 1, 2 and 3. Also, see images 4-17 provided in planning statement 2022/4887/P taken in the immediate area and showing many examples of front garden glass covers, albeit the glass cover at 42 Willow will be totally inconspicuous. It can only be seen by the occupant looking down from the front door staircase of the host building.

**4.6. Addressing designation of “less than substantial harm” per Para 199 of the National Policy framework.** Comment. Noted but not sure of applicability here.

**4.7. Addressing “There are no public benefits associated with the proposed development (i.e., the development would only benefit the private home owner). As such, there is no justification for the proposed works and the application would have been recommended for refusal on this basis”.** Comment, we can only assume from this wording that most, if not all, applications submitted to the Camden planning office would have been refused. Clearly this is not showing objectivity and grabbing for straws to support refusal.

**4.8 Addressing mention in a previous application.** Comment. As stated, the proposed alteration in the previously application provided absolutely no details or supporting information. This history keeps surfacing to taint a very detailed new proposal prepared with extremely careful consideration and thought to the codes and policies in a conservation area.

The glass cover was not previously rejected at any point in time but mention of this element without any detail or explanation required that it was best withdrawn voluntarily from a previous application 2021/1641/P. Based on correspondence from Mathew Demsey dated August 9<sup>th</sup> 2021 and follow up, Mr. Dempsey quite fairly suggested “you may seek approval for the front proposal separately (referring to a new application), however, you must provide further justification and it should be understood this may not necessarily be acceptable”. However, he did not say a new application with detailed designs would be unacceptable as otherwise we would not have proceeded with a new application. The previous

omission of detail in 2021/1641/P was the rationale for considering a new application 2022/4887/P, as suggested by Mr. Dempsey.

I must briefly refer to an inconsistency in statement 3.1 of the assessment, “the proposed lightwell alteration removed from the scope (in the previous application 2021/1641/P) was identical to the scheme proposed here” (referring to the new application 2022/4887/P). Since a previous scheme or design was never presented in 2021/1641/P it is inconceivable how the council can now say this was identical to something that was never submitted.

**4.9 Overall refusal summary.** Comment. Questions harmful visual impact to the host property and character of the front garden. Already addressed in overall comment and referenced images.

#### **Summary.**

We truly believe the Hampstead Neighbourhood forum had a totally irrational fixation that a glass cover at the front of the house would impact the visual appearance of the host property, the terrace, the front garden and the corner of Willow Road and Gayton Crescent. The authorities ignored the overwhelming evidence in images 1,2,3 and 4-17 and all details supporting that this would not be the case. We conclude the basis for the recommended refusal is based on just reciting D1, D2, and policies DH1 and DH2 and the assessment is mute on the details put forward in the actual proposal. Reciting codes and policies indicate that the Forum and Council could not find a solid basis for refusal. This constitutes a totally invalid approach and adds nothing of substance to the case for recommending refusal. We note the Council could not provide a rationale recommendation for refusal and failed in their statutory time requirements with an erroneous and clearly rushed assessment filed following the appellant’s appeal to the inspectorate. To reiterate, it seems the council and the forum can’t acknowledge that you cannot see through a brick wall. Please see image 1, provided in 2022/4887/P, showing the corner as it appears now and image 1 will look exactly the same after installation of the low-profile glass cover as it simply cannot be seen, a point the council just does not recognize.

To further support my comments regarding the council’s irrational objections, the Image we refer to as no. 4 below, as provided in the statement of case, shows a glass cover within eyesight of the Willow Road terrace. It is rather more visible and high profile but I am assuming this example is in keeping with the character of Hampstead but my proposal is not.

Please note that I have not added any new information or images but referenced the planning application, the statement of case for the appeal, and the content of the draft assessment for refusal. Thank you.



Image 1



Image 2



Image 3



Image 4